## United States Bankruptcy Court

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|--|---|
| For the NORTHERN   | District of IOWA  |
| IN RE: GERALD LEE SCHOO and VALARIE RENEE SCHOO,   | US BANKRUPTCY COURT S.C. NORTHERN DISTRICT OF IOWA  |
| DONALD H. MOLSTAD, Trustee, Plaintiff v.   | SEP 26 1989  BARBARA A EVERLY, CLERK'   |
| STUDENT LOAN MARKETING Described Des | Adversary Proceeding No. X89-0137S  |
| ıπ   | DGMENT  |
| ☐ This proceeding having come on for trial or the issues having been duly tried or heard an  | hearing before the court, the Honorable William L. Edmonds, United States Bankruptcy Judge, presiding, and d a decision having been rendered, |
|  | [OR]  |
| The issues of this proceeding having been d  | uly considered by the Honorable William L. Edmonds, United States Bankruptcy Judge, and a decision  |
| IT IS ORDERED AND ADJUDGED:  |   |
| Marketing Association, a/k/a T as a preferential payment, and  | from debtor(s) to Student Loan The Loan Servicing Center, is avoided defendant Student Loan Marketing the trustee. Donald H. Molstad, the     |
| copies mailed with order   | Vol. II<br>Page 150   |

BARBARA A. EVERLY

Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

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## TN THE UNITED STATES BANKRUPTCY COURT FOR THE NORTHERN DISTRICT OF IOWA WESTERN DIVISION

IN RE:

GERALD LEE SCHOO, AND VALARIE RENEE SCHOO,

CHAPTER 7
BANKRUPTCY NO. X89-00597S

Debtors.

DONALD H. MOLSTAD, TRUSTEE

ADV. NO. X89-0137S

Plaintiff,

vs.

STUDENT LOAN MARKETING ASSOCIATION a/k/a The Loan Servicing Center

ORDER FOR DEFAULT

Defendant.

NOW, to-wit, on this day of Land. 1989, the Plaintiff's Motion for Default coming to the attention of the court and the Court being duly advised in the premises, FINDS:

- 1. That due and timely service has been made upon the Defendant herein.
- 2. That no answer or response of pleading has been made by the Defendant herein.
  - 3. That the Defendant is in default.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant herein is found to be in default and Plaintiff should be granted the relief prayed for in his Petition.

BY THE COURT:

cc: Donald Molstad
Student Loan Marketing A
U. S. Trustee

on 9/26/89, Lyn

JUDGE JUDGE

## IN THE UNITED STATES BANKRUPTCY COURT HURTHERN DISTRICT OF TOWN WESTERN DIVISION

OCT 02 1989

BARBARA & EVERLY, CLERK

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|--|--|
| GERALD LEE SCHOO and VALARIE RENEE SCHOO, Debtors.                   | ) Chapter 7<br>)<br>) Bankruptcy No. X89-00597S<br>) |
| DONALD H. MOLSTAD, Trustee,  |  |
| Plaintiff,   | ) Adversary No. X89-0137S                            |
| vs.  | )  |
| STUDENT LOAN MARKETING ASSOCIATION, a/k/a The Loan Servicing Center, | )<br>)<br>)  |
| Defendant.   | )<br>)   |

## ORDER VACATING JUDGMENT

Summons was issued in this adversary proceeding on July 31, 1989 and certification of service was made by the plaintiff that summons was served on August 3, 1989. No answer or responsive motion having been filed, plaintiff moved for default. An order for default was entered September 26, 1989 and default judgment was entered on the same date.

On September 28, 1989, the plaintiff filed a "Withdrawal of Motion for Default" alleging that the defendant is a governmental agency entitled to 35 days to answer or respond to the plaintiff's complaint. The implication of plaintiff's "withdrawal" is that notice to defendant was defective.

In light of the foregoing, it is

IN DE.

ORDERED that the judgment entered September 26, 1989 in favor of plaintiff and against defendant is hereby vacated.

so ordered on this  $2^{\circ}$  DAY of october, 1989.

William L. Edmonds, Bankruptcy Judge

cc: Donald Molstad
Student Loan Marketing Ass'n.
U. S. Trustee
on 10/2/89,